

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

471L0640

SENATE BILL NO. 216

Introduced by: Senators Lintz, Duenwald, Greenfield, Hanson (Gary), McNenny, Moore, Napoli, and Peterson (Jim) and Representatives Pederson (Gordon), Brunner, Jensen, and McCoy

1 FOR AN ACT ENTITLED, An Act to mitigate the impact of prairie dogs.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. The secretary of the Department of Agriculture shall formulate a plan to mitigate
4 the impact of prairie dogs on adjoining parcels of land through the use of buffer zones. The
5 buffer zones shall extend at least one mile back from the property boundary. The requirements
6 of this section do not apply to land owned by the United States government. The plan shall
7 contain the following provisions:

8 (1) There shall be a prairie-dog-free buffer zone of at least one mile on each side of the
9 property boundary between all parcels of adjoining property within the state;

10 (2) The use of zinc phosphide or other approved rodenticide is the recommended method
11 of creating and maintaining the buffer zone;

12 (3) Each landowner is responsible for the creation and maintenance of the buffer zone.
13 If the buffer zones are not created or maintained, the secretary shall conduct the
14 required actions by any means available. If the cost associated with the actions
15 conducted on behalf of the secretary are not paid by the responsible party, the cost



1 shall be charged as taxes against each tract of land on which the expenses were
2 incurred pursuant to § 38-22-23.14;

3 (4) By mutual written consent to be kept on file by the Department of Agriculture,
4 adjoining landowners may waive the requirement to create or maintain a buffer zone
5 on their adjoining properties. However, the landowners shall maintain a buffer zone
6 between their properties and all other adjacent property.

7 Section 2. This Act does not preclude the remedies for landowners impacted by prairie dogs
8 from adjacent lands provided under §§ 34A-8A-4, 34A-8A-5, and 34A-8A-6.